

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits - W.P. No.11948/2009 filed by Sri N. Subba Reddy, Advocate for payment of his professional fee for an amount of Rs. 4,38,400/- for his appearance in CMA Nos. 93/90 and batch and CRP Nos. 303/90 and batch before Hon'ble High Court of A.P., Hyderabad - Fees sanctioned as per the Hon'ble High Court Orders dated: 5-7-2010 in W.P. No. 11948/2009 - Orders - Issued.

IRRIGATION & CAD (ARBITRATION) DEPARTMENT

G.O.Rt. No. 627
2011

Dated: 17-6-

Read the

following:

- 1) G.O. Rt. No. 714, I & CAD (ARB-II) Dept., dt: 15-7-1995.
- 2) From the Hon'ble High Court of AP, Hyderabad, orders dated: 5-07-2010 in W.P. No. 11948 / 09.
- 3) From the Engineer-in Chief, Irrigation, I&CAD Department, Hyderabad Lr. No:DCE.I/OTHLHC/ AEE.2 / 65288-84Vol.X/, dated: 26-05-2011.
- 4) From the Chief Engineer, (Projects), I & CAD Dept., Anantapur Lr. No. CE(P)/TBPHLC/ATP/Hyd/Camp.No. 79, dt: 13-6-2011.

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ORDER:

In the reference 1st read above, Government have appointed Sri N. Subba Reddy, Senior Advocate (Former Additional Advocate General) to defend the department before the Hon'ble High Court of Andhra Pradesh in the appeals filed by the Department against the judgement of the Principal Subordinate Judge Court, Ananthapur, dt: 7-10-1980 in OP No's. 118/1988, 119/1988 and 120/88 and O.S. Nos. 165/88, 167/88 and 169/88 in disputes between the Department and the Contractor Sri K. Marappan in execution of three works in PABR Dam under Agt. No. 10/78-79, 11/78-79 and 14/78-79 of Superintending Engineer, TBPHLC, Ananthapur with a daily fee of Rs. 500/- (Rupees Five Hundred only) subject to maximum of Rs. 10,000/- (Rupees Ten thousand only) for the entire case in terms of the orders issued in G.O. Ms. No. 241, Irrigation & CAD (PW. Arb-I) Department dt: 20-4-1990. Accordingly, he has appeared in CMA Nos. 93/90 and batch and CRP Nos. 303/90 and batch and argued the matters before the Hon'ble High Court and the court disposed of the same on 31-12-2007.

2. The Engineer-in-Chief, Irrigation & Chief Engineer, (Projects), I & CAD Department, Ananthapur in his letters 3rd and 4th read above, informed that Sri N. Subba Reddy, Advocate addressed a letter to the concerned EE/SE requesting them to arrange payment of his fee to the tune of Rs. 4,38,400/- for his appearance in the High Court as was paid in Subordinate Court in terms of G.O.Rt.No.1062,Irrigation & CAD (Arb) Department, dt: 28-8-1990.The Executive

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Engineer concerned addressed a letter dated 19-05-2009 to Sri N. Subba Reddy Advocate informing that according to G.O. Ms. No: 241, dated 20-04-1990, the latter was entitled only to a daily fee of Rs.500, subject to a maximum of Rs.10,000/- for his appearance in the High Court and requested him to furnish the details of appearance. Due to non payment of fee for an amount of Rs.4,38,400/-, Sri N. Subba Reddy Advocate filed W.P No:11948 of 2009 before the Hon'ble High Court. A counter affidavit was filed in the above W.P. stating that Sri. N. Subba Reddy, Advocate was engaged in the trial Court as well as in the High Court and he was already paid the fee of Rs.4,38,400/- for his appearance in the trial Court, as per G.O.Ms. No. 1062, dated: 28-8-1990, and reliance was placed upon GO Ms No:241, dated 20-04-1990, in the context of payment of fee for the appearance of the Advocate in the Hon'ble High Court .

3. However, the High Court in its order dt 5-07-2010 while admitting the above W.P. No. 11948/09, directed the Government to pay a sum of Rs.4,38,400/- to the petitioner Sri N. Subba Reddy, Advocate towards his professional fee for defending them in CMA. Nos:93 of 1990 and batch and CRP Nos: 304 of 1990 and batch. It was also ordered therein that if the amount was paid within two months from the date of order, it shall not carry any interest. In default, it shall carry interest at 9% per annum from the date of disposal of the batch of cases, i.e. 31-12-2007, till realization.

4. In pursuance of the above High Court order , the Engineer-in-Chief, Irrigation has requested the Government to accord permission for payment of Rs. 5,76,496/- (Rs. 4,38,400/- + 1.38,096/- interest)as on 30-6-2011 towards the professional (Ad-Valorem) fee including interest.

5. After careful examination of the above proposal, Government accord sanction for an amount of Rs. 5,76,496/- (Rupees Five lakhs seventy six thousand four hundred and ninety six only) towards the payment of Professional Fee (Ad-Volorem) to Sri N. Subba Reddy, Advocate for his appearance before the Hon'ble High Court in CMA Nos. 93/90 and batch and CRP Nos. 303/90 and batch.

6. The above expenditure shall be debitable to the following Head of Account: "4700 M - Irrigation (01) - Commercial - MH - 800 - SH (10) - (04) - Project Establishment 280/Professional Services - 281 Pleader fees."

7. The Engineer-in-Chief, Irrigation, Hyderabad/ Chief Engineer (Project), I & CAD Department, Ananthapur shall take necessary action in the matter.

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8. This order issues with the concurrence of Finance (W & P) Department vide their U.O. No.2148/F5(A-2)/11, dt: 16.6.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. PRASANTA MAHAPATRA
PRINCIPAL SECRETARY TO
GOVERNMENT

To
The Engineer-in-Chief, Irrigation, Irrigation & CAD Department,
Errummanzil, Hyderabad
The Chief Engineer, (Projects), Irrigation & CAD Department, Ananthapur.
Copy to: Sri N. Subba Reddy, Advocate
R/o 3-6-603, Himayat Nagar, Hyderabad.
The Government Pleader for Irrigation, I & CAD Department,
High Court of A.P., Hyderabad.
The Law Department
The Finance (W&P) Department.
P.S. to Minister (M & MI)
P.S. to Prl. Secretary to Government, I & CAD Department.
S.F/S.C.

//Forwarded: By Order//

Section Officer